

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

TONY DUVALL,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. CIV-15-72-C
	)	
SHIRLEY STOUFFER, et al.,	)	
	)	
Defendants.	)	

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff filed the present action pursuant to 42 U.S.C. § 1983. Consistent with the provisions of 28 U.S.C. § 636(b)(1)(B), this matter was referred to United States Magistrate Judge Gary M. Purcell. Judge Purcell entered a Report and Recommendation (“R&R”) on October 15, 2015, recommending judgment in favor of Defendants other than McCoy and dismissal as to Defendant McCoy.\* Plaintiff filed a document entitled an Objection but which was in reality a request for additional time to object. The Court granted that request on November 10, 2015, giving Plaintiff 60 days from that date to file his Objection. That time period has now passed with no response by Plaintiff.

In the R&R, Judge Purcell sets out the substance of Plaintiff’s claims and outlines the extent to which those claims fail as a matter of law. In summary, Plaintiff filed his action seeking damages for alleged improper medical care. However, as Judge Purcell notes, Plaintiff’s claims must fail as he failed to exhaust administrative remedies prior to bringing

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\* Defendant McCoy was voluntarily dismissed by Plaintiff as reflected in the Order of November 10, 2015 (Dkt. No. 51).

the present action. Thus, Defendants are entitled to judgment as recommended by Judge Purcell.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge (Dkt. No. 48). A separate judgment will issue.

IT IS SO ORDERED this 25th day of January, 2016.



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ROBIN J. CAUTHRON  
United States District Judge